

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TRACY E. PALMEN

Plaintiff,

v.

DAVID STACY OF DELAWARE, INC. T/A
CASTLE DEALERSHIPS

Defendant.

C.A. No. 05-166 SLR

DEMAND FOR TRIAL BY JURY

ORDER

At Wilmington this 29th day of June, 2005, the parties having satisfied their obligations under Fed. R. Civ. P. 26 (f), and the court having conducted a pretrial scheduling conference pursuant to Fed. R. Civ. P. 16 and D. Del. LR 16.2 (a) and (b).

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties have exchanged the information required by Fed. R. Civ. P. 26 (a)(1) and D. Del. LR 16.2.

2. **Discovery.**

(a) Discovery will be needed on the following subjects: Facts alleged in Plaintiff's Complaint; Damages alleged by Plaintiff; and/or factual basis for Defendant's denials and affirmative defenses.

(b) All discovery shall be commenced in time to be completed by February 15, 2006.

(c) Maximum of 40 interrogatories by each party to any other party.

(d) Maximum of 100 requests for admission by each party to any other party.

Only 20 of the 100 requests for admission may be other than a request to admit the authenticity of a document.

(e) Maximum of 20 depositions by plaintiff and 20 by defendant.

(f) Each deposition other than of the parties (Defendant by John Wendkos), David Wendkos, Don Lavin and Ed Gavin and other than of a deposition where the noticing party is a proponent of the witness limited to a maximum of 2 hours unless extended by agreement of parties.

(g) Reports from retained experts under Rule 26 (a)(2) on issues for which any party has the burden of proof due by November 30, 2005. Rebuttal expert reports due by January 15, 2006 ^{5/1/06}

(h) **Discovery Disputes.** Any discovery dispute shall be submitted to the court pursuant to Fed. R. Civ. P. 37. During the course of discovery, each party is limited to **two (2)** Rule 37 motions. The court shall make itself available, however, to resolve through a telephone conference, disputes that arise during the course of a deposition and disputes related to entry of a protective order.

3. Joinder of other Parties, Amendment of Pleadings, and Class Certification. All motions to join other parties, amend the pleadings, and certify a class action shall be filed on or before September 1, 2005.

4. Settlement Conference. Pursuant to 28 U.S.C. § 636, this matter is referred to Magistrate Judge Thyng for the purposes of exploring ADR.

5. Summary Judgment Motions. All summary judgment motions shall be served and filed with an opening brief on or before March 3, 2006. Briefing shall be pursuant to D. Del.

LR 7.1.2. No summary judgment motion may be filed more than **ten (10)** days from the above date without leave of the court.

6. **Applications by Motion.** Any application to the court shall be by written motion filed with the clerk. Unless otherwise requested by the court, counsel shall not deliver copies of papers or correspondence to chambers. Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1.

7. **Motions in Limine.** All motions in limine shall be filed on or before May 11, 2006. All responses to said motions shall be filed on or before May 18, 2006.

8. **Pretrial Conference.** A pretrial conference will be held on May 24, 2006 at 4:30 p.m. in courtroom 6B, sixth floor Federal Building, 844 King Street, Wilmington, Delaware. The Federal Rules of Civil Procedure and D. Del. LR 16.4 shall govern the pretrial conference.

9. **Trial.** This matter is scheduled for a 2 day jury trial commencing on June 5, 2006^{SR} in courtroom 6B, sixth floor Federal Building, 844 King Street, Wilmington, Delaware. For purposes of completing pretrial preparations, the parties should plan on being allocated a total number of hours in which to present their respective cases.


United States District Judge